

REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed October 10, 2006, is requested in view of the amendments above and the following remarks. Prior to this amendment, claims 1 and 5-9 were pending and at issue in this application, and claims 2-4 and 10-48 were withdrawn from consideration pursuant to a restriction requirement and an election by applicant. Claim 1 has been amended herein. No new matter has been added.

Claim 1 remains a linking claim to all of the claims depending therefrom, and upon allowance of such linking claim, the restriction requirement is to be withdrawn as to such dependent claims.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1 and 5-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, on the basis that the claims inconsistently use the terms referring to the proximal and distal openings of the housing. Claim 1 has been amended to clarify that all references to the proximal opening and distal opening are to the “respective proximal and distal openings” of the housing as recited in lines 3-4 of the claim. This amendment simply corrects an obvious drafting error and does not affect the scope of the claims.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 and 5-9 stand rejected under 35 U.S.C. § 103, as being obvious over Handler (U.S. Patent No. 4,676,655), in view of Ronk (U.S. Patent 5,951,160). Applicants submit that this rejection should be withdrawn because Handler and Ronk do not teach or disclose the claimed invention for an apparatus for mixing and dispensing bone cement having a selectable stop and an output valve which is configured to selectively direct a flow of material into the inlet to each of said

at least two outlets. Claim 1 has been amended to explicitly recite that the valve structure requires multiple outlets that can be selectively direct the flow to one or more of the outlets.

The valve shown in Ronk is a simple one-way valve which does not have multiple outlets and CANNOT selectively direct flow to one or more of the multiple outlets. Moreover, there is no teaching or suggestion to modify the valve to include multiple, selectable outlets.

Accordingly, claim 1 is not anticipated by the cited prior art. Claims 5-9 depend from claim 1 and are therefore not obvious over the cited prior art for at least the same reasons applicable to claim 1.

CONCLUSION

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In view of the foregoing amendments and remarks, Applicants respectfully submits that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

Respectfully submitted,
VISTA IP LAW GROUP LLP

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By: 

James K. Sakaguchi
Reg. No. 41,285

JKS:jks
VISTA IP LAW GROUP LLP
2040 Main Street, 9th Floor
Irvine, CA 92614
Telephone: 760-803-5967
Facsimile: 949-625-8955